

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Stacy Julian Sharp,
Plaintiff

Case No. 1:08-cv-45
(Barrett, J.; Hogan, M.J.)

vs

Middletown Police Dept., et al.,
Defendants

REPORT AND RECOMMENDATION

On May 1, 2008, the Court ordered Plaintiff to show cause in writing within fifteen (15) days why this case should not be dismissed for lack of prosecution. (Doc. 17). To date, more than fifteen days later, Plaintiff has yet to reply to the Court's Order. Moreover, the Court's Order denying Plaintiff's Motions to Appoint Counsel (Doc. 16) and Order to Show Cause (Doc. 17) were both returned to the Clerk by the Postal Service as "Undeliverable." (See Docs. 19, 20).

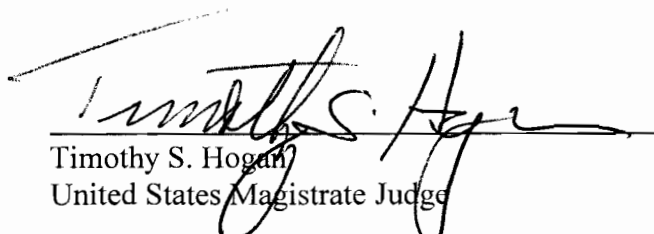
Plaintiff was previously notified by the Court's Order of February 4, 2008, that he must inform the Court promptly of any changes of address which occur during the pendency of this lawsuit. (Doc. 4). District courts have the power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). By failing to keep the Court apprised of his current address and failing to respond to the Court's Order to Show Cause, Plaintiff has demonstrated a lack of prosecution of his action and a failure to obey a Court order. Accordingly, we find that dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Court's Order would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Date:

5/29/08


Timothy S. Hogan
United States Magistrate Judge

**NOTICE TO THE PARTIES REGARDING THE FILING OF
OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Stacy Julian Sharp 103928 Butler County Jail 705 Hanover St. Hamilton, OH 45011</p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7007 1490 0001 0562 6820</p>
<p>PS Form 3811, August 2001</p>	<p>Domestic Return Receipt 102595-01-M-2509</p>

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